

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION, STATE OF NEW	:	
YORK, STATE OF CALIFORNIA, STATE OF	:	
OHIO, COMMONWEALTH OF PENNSYLVANIA,	:	20cv706 (DLC)
STATE OF ILLINOIS, STATE OF NORTH	:	
CAROLINA, and COMMONWEALTH OF	:	<u>ORDER</u>
VIRGINIA,	:	
	:	
Plaintiffs,	:	
	:	
-v-	:	
	:	
VYERA PHARMACEUTICALS, LLC, AND	:	
PHOENIXUS AG, MARTIN SHKRELI,	:	
individually, as an owner and former	:	
director of Phoenixus AG and a former	:	
executive of Vyera Pharmaceuticals,	:	
LLC, and KEVIN MULLEADY, individually,	:	
as an owner and former director of	:	
Phoenixus AG and a former executive of	:	
Vyera Pharmaceuticals, LLC,	:	
	:	
Defendants.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

Having reviewed the parties' letters of June 26 and 29, 2020, as well as the chart provided in Exhibit 2 to plaintiffs' letter of June 26, in connection with their discovery disputes, it is hereby


ORDERED that the defendants shall respond to document requests 4-7, 11-12, 14, and 15-16.

IT IS FURTHER ORDERED that the defendants shall now respond to Interrogatories 1, 3, and 5.

IT IS FURTHER ORDERED that the plaintiffs need not comply with the defendants' requests for data concerning states' and state agencies' purchases of, and reimbursements for, Daraprim or its generic equivalent. This information is irrelevant because plaintiffs intend to calculate equitable monetary relief by "taking the amount of profits Defendants made in the real work and subtracting the estimated amount of profits they would have made if they had faced generic competition at an earlier date."

IT IS FURTHER ORDERED that the plaintiffs' request to file under seal Exhibit 3 of Docket No. 158 is granted; the defendants' request to file in redacted form Exhibit 2 of Docket No. 169 is granted.

Dated: New York, New York  
June 30, 2020

  
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DENISE COTE  
United States District Judge